



#11 DAC
Atty. Dkt. No. 036481-0116

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Scott Umlauf

Title: NUCLEIC ACID VACCINE COMPOSITIONS HAVING A MAMMALIAN cd80/cd86 GENE PROMOTER DRIVING ANTIGEN EXPRESSION

Appl. No.: 09/705,022

RECEIVED

JAN 05 2004

Filing Date: 11/01/2000

OFFICE OF PETITIONS

Examiner: B. Whiteman

Art Unit: 1635

PETITION UNDER 37 C.F.R. § 1.137(b) FOR REVIVAL OF AN UNINTENTIONALLY ABANDONED PATENT APPLICATION

Mail Stop Petition
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicant hereby petitions for revival of the captioned application, which unintentionally went abandoned on July 31, 2003.

The application went abandoned due to Applicant's failure to pay extension fees when a continuing application was filed. Applicant filed a Notice of Appeal in the present case on May 30, 2003. Thus, an appeal brief or continuing application was due on July 30, 2003, with extensions of time available through December 30, 2003. On the extended due date of December 30, 2003, Applicant filed a continuing application, but omitted to pay fees for the time extension.

The failure to pay such fees and the entire delay in doing so was unintentional. On this basis, Applicant petitions to have the present application revived.

To complete this petition, the following items are being concurrently submitted:

- (1) Continuing Application: As noted above, Applicant filed a continuing application on December 30, 2003, but at that time failed to pay extension fees for the parent case (the present case). Applicants are filing an additional continuing application concurrently with this petition.

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- (2) Extension Fee (37 C.F.R. § 1.17(a)(5)): A check is enclosed to cover the \$2,010.00 fee for a five-month extension of the due date for an appeal brief or continuing application.
- (3) Petition fee (37 C.F.R. § 1.17(m)): A check is enclosed to cover the \$1,330.00 fee for this petition.

The Commissioner is hereby authorized to charge any additional fees that may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Michael M. Peet
Reg. No. 34,717

By _____

FOLEY & LARDNER
Customer Number: 27476
Telephone: (202) 672-5483
Facsimile: (202) 672-5399

f-1
Richard C. Peet
Attorney for Applicant
Registration No. 35,792

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

| REQUEST FOR PATENT FEE REFUND | | | | | | | | | | | |
|------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|--------------------------|----------|---|---|---|----|---|---|---|---|
| 1 Date of Request: <u>5/10/04</u> | 2 Serial/Patent # <u>09/705,022</u> | | | | | | | | | | |
| 3 Please refund the following fee(s): | 4 PAPER NUMBER | 5 DATE FILED | 6 AMOUNT | | | | | | | | |
| Filing | | | \$ | | | | | | | | |
| Amendment | | | \$ | | | | | | | | |
| ✓ Extension of Time | 18 | 12/31/03 | \$ 2010 | | | | | | | | |
| Notice of Appeal/Appeal | | | \$ | | | | | | | | |
| Petition | | | \$ | | | | | | | | |
| Issue | | | \$ | | | | | | | | |
| Cert of Correction/Terminal Disc. | | | \$ | | | | | | | | |
| Maintenance | | | \$ | | | | | | | | |
| Assignment | | | \$ | | | | | | | | |
| Other | | | \$ | | | | | | | | |
| 7 TOTAL AMOUNT OF REFUND | | | \$ 2010 | | | | | | | | |
| 8 TO BE REFUNDED BY: | | | | | | | | | | | |
| 10 REASON: | Treasury Check | | | | | | | | | | |
| Overpayment | Credit Deposit A/C #: | | | | | | | | | | |
| Duplicate Payment | 9 <table border="1"><tr><td>1</td><td>9</td><td>--</td><td>0</td><td>7</td><td>4</td><td>1</td></tr></table> | | | | 1 | 9 | -- | 0 | 7 | 4 | 1 |
| 1 | 9 | -- | 0 | 7 | 4 | 1 | | | | | |
| ✓ No Fee Due (Explanation): | | | | | | | | | | | |
| EXTENSION FILED LATE | | | | | | | | | | | |
| 11 REFUND REQUESTED BY: | | | | | | | | | | | |
| TYPED/PRINTED NAME: <u>MARIANNE MORGAN</u> | | TITLE: <u>PET. FLMR.</u> | | | | | | | | | |
| SIGNATURE: <u>Marianne Morgan</u> | | PHONE: <u>306-3475</u> | | | | | | | | | |
| OFFICE: <u>PETITIONS</u> | | | | | | | | | | | |
| ***** THIS SPACE RESERVED FOR FINANCE USE ONLY ***** | | | | | | | | | | | |
| APPROVED: <u>Alicia Kelle</u> | | DATE: <u>5/11/04</u> | | | | | | | | | |

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Office of Finance
Refund Branch
Crystal Park One, Room 802B